

# Order

Michigan Supreme Court  
Lansing, Michigan

January 12, 2012

Robert P. Young, Jr.,  
Chief Justice

144124

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

BEVERLY TEEGARDIN,  
Plaintiff-Appellee,

v

SC: 144124  
COA: 302406  
Kalamazoo CC: 2010-000167-NH

JAMES HUNT, M.D., JACK HUNT, D.O., and  
GULL ROAD MEDICAL PRACTICE, P.C.,  
Defendants-Appellants.

---

On order of the Court, the application for leave to appeal the October 12, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration, as on leave granted, of whether the trial court abused its discretion when it denied the defendants' motion to strike the testimony of Elliot David Felman, M.D. In particular, we direct the Court of Appeals to consider whether Dr. Felman's proposed testimony meets the criteria of MCL 600.2955 and MRE 702. See *Craig v Oakwood Hospital*, 471 Mich 67 (2004), and *Gilbert v DaimlerChrysler Corp*, 470 Mich 749 (2004). We further ORDER that trial court proceedings are stayed pending the completion of this appeal. On motion of a party or on its own motion, the Court of Appeals may modify, set aside, or place conditions on the stay if it appears that the appeal is not being vigorously prosecuted or if other appropriate grounds appear.

We do not retain jurisdiction.

MARILYN KELLY and HATHAWAY, JJ., would remand this case to the trial court for an evidentiary hearing to determine whether the testimony of the plaintiff's expert witness meets the criteria of MCL 600.2955 and MRE 702.



t0112

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 12, 2012

*Corbin R. Davis*

Clerk